

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DARCY CORBITT, *et al.*,)
Plaintiffs,)
v.) CASE NO. 2:18-cv-91-MHT-SMD
HAL TAYLOR, *et al.*,)
Defendants.)

NOTICE OF SUPPLEMENTAL AUTHORITY

The Plaintiffs respectfully provide the Court with notice of supplemental authority, *Ray v. Himes*, No. 2:18-CV-00272, Doc. 80 (S.D. Ohio Dec. 16, 2020), attached as Ex. A, which was decided after the Plaintiffs submitted their Reply to Defendants' Response to the Court's Briefing Order (Doc. 85).

Ray v. Himes concerns a challenge to Ohio's policy of not correcting the sex designation on transgender people's birth certificates. In its opinion and order, the Southern District of Ohio ruled in favor of plaintiffs on cross-motions for summary judgment. The decision addressed the plaintiffs' informational privacy claim, ruling for plaintiffs because they "presented evidence that Defendants' Policy has compromised their safety, reveals their sensitive personal information, and could lead to future bodily harm if continued to be enforced." *Ray*, No. 2:18-CV-00272 at 10; *see* Mem. in Supp. of Pls.' Mot. for Summ. J. (Doc. 51 at 45-50) (arguing

that Alabama's driver's license policy violates Plaintiffs' informational privacy rights). The decision also ruled for plaintiffs on the basis of their Equal Protection Claim, finding that "the Defendants' Policy treats transgender[] people differently than similarly situated Ohioans" and that the proffered justifications were "nothing more than thinly veiled post-hoc rationales" that would "not even survive rational basis review." *Ray*, No. 2:18-CV-00272 at 17, 26; *see* Mem. in Supp. of Pls.' Mot. for Summ. J. (Doc. 51 at 25-45) (arguing that Alabama's driver's license policy violates Equal Protection clause).

CONCLUSION

For the above reasons, *Ray* provides further support for the Plaintiffs' argument that the Court should rule in favor of Plaintiffs.

Respectfully submitted this 16th day of December 2020.

/s/ Randall C. Marshall
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CERTIFICATE OF SERVICE

I certify that I have, on December 16, 2020, electronically filed the foregoing pleading with the Clerk of the Court, using the CM/ECF filing system which serve all counsel of record.

/s/ Randall C. Marshall
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